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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/504,821	08/17/2004	Yasumi Takase	Q82677	2037
23373 7590 04/18/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER				
AHMED, MASUD				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
04/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/504,821

Applicant(s)

TAKASE ET AL.

Examiner

MASUD AHMED

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 17 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant has cancelled the claim 5. claims 1-4 and 6-9 are pending on this application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Stamper et al (US 6820265).

Regarding claims 1-4 and 6-9 ,Stamper teaches storing game data into the storage device as being RAM, ROM, flash memory or digital video drive (see col 3, lines 25-28).

Stamper also discloses sharing data between two programs or players and the data being primary data or secondary data that stored in the storage device that are identified by flags or names and these data can interchangeably be accessed and be stored in order of high frequency or mostly used data (see col 3, lines 64-67 and col 4, lines 54-58).

Stamper further teaches the acquiring of the game data from the memory and whether the stored data is player target data to the player or not and control the game software using the saved data in the memory (see col 5, lines 4-17).

Stamper's teachings include memory 16 as being NV-RAM or non-volatile random access memory which is not lost in power failure issue (see col 5, lines 57-63).

Stamper discloses how players can swap programs and choosing the game data primary or secondary to play as the target data and how they can remove or delete data using the system and also how they can distribute or share the game data between various game units using network or internet by giving example of a scenario (see col 3, lines 34-57, col 7, lines 35-67 and col 8, lines 1-57).

It is respectfully suggested that applicant should review all the prior art of record very closely to distinguish the applicant's invention supported by the applicant's disclosure and better recite the claims.

Response to Arguments

3. Applicant's arguments filed 9/27/2007 have been fully considered but they are not persuasive. Examiner respectfully disagrees with the applicant at least for the following reasons:

In response to applicant's argument on "Applicant's invention provide for easy identification and selection of frequently used data from a selection list even when a large number of named game-related data files have been saved", examiner respectfully seek applicant's attention to the argument where "easy identification" is mentioned but applicant did not present in any clear or specific language in the argument or in the claims how or where the easy identification of game data is being conducted. Below is the direct quotation of applicant's admission of prior art disclosure and it reads various game data can be saved and viewed in a list by a player and they can obtain the desired saved data from the list.

BACKGROUND ART

"It is possible to increase the level of interest in a game by enabling a player to make their own data (game data) to be used in a game or to obtain game data from another disc or via a network. For example, it is well known that a player can make their own step data in dance games where a player acts out steps according to step instructions displayed on a screen based on step data. In this kind of game, it is typical for game data made by a player to be capable of being stored on a non-volatile storage device such as a memory card or hard disc storage device etc. It

is therefore possible from the next time the player plays the game onwards for the player to play the game based on game data that they themselves have made by selecting game data for the game to be played from game data stored in the non-volatile storage device.

However, it is the nature of this kind of game data that players tend to collect such game data, and situations where players do not erase the game data they have made themselves but simply keep the data are common. There are therefore cases where the number of items of game data is increased while game data having a large volume is displayed on a game data selection screen. "

In response to applicant's argument on "data being automatically saved and retrieved by a player", examiner disagrees with the argument because data being saved automatically or manually does not at this point distinguish the differences in invention, besides Stamper clearly teaches as acknowledged by the applicant, data being saved and retrieved by the player. Data of Stamper can be primary or secondary player data which would not make any distinction as claimed.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MASUD AHMED whose telephone number is (571)270-1315. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571 272 7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. A./

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Examiner, Art Unit 3714

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3714